

## SECTION 1600 LAKE OR STREAMBED ALTERATION AGREEMENT

### OVERVIEW

The California Department of Fish and Game (DFG) regulates work that will substantially affect resources associated with rivers, streams, and lakes in California, pursuant to Fish and Game Code Sections 1600–1607. Any action that substantially diverts or obstructs the natural flow or changes the bed, channel, or bank of any river, stream, or lake, or uses material from a streambed must be previously authorized by DFG in a Lake or Streambed Alteration Agreement under Section 1601 (public projects) or Section 1603 (projects proposed by nonpublic entities) of the Fish and Game Code. This requirement may in some cases apply to any work undertaken within the 100-year floodplain of a body of water or its tributaries, including intermittent streams and desert washes. As a general rule, however, it applies to any work done within the annual high-water mark of a wash, stream, or lake that contains or once contained fish and wildlife, or that supports or once supported riparian vegetation.

Figure 16 illustrates the process for obtaining a Lake or Streambed Alteration Agreement.

### WHO NEEDS TO COMPLY?

CALFED actions that would alter the flow or bed of a water body or occur within its annual high-water mark, as described above, may require a Lake or Streambed Alteration Agreement. Examples of such actions are those that would involve:

- restoring riparian habitat,
- replacing instream gravel,
- setting back levees,
- conducting levee maintenance,
- replacing water control structures, and
- improving through-Delta conveyance.

### HOW LONG DOES THE APPROVAL PROCESS TAKE?

DFG issues a Lake or Streambed Alteration Agreement for most projects within 2 months after it receives the required information.

### WHAT INFORMATION DOES THE APPLICANT NEED TO PROVIDE?

The applicant must complete a Notification of Lake or Streambed Alteration form and a project questionnaire. The forms ask for information about the following:

- the applicant and the applicant's agents;
- the property owner;

- the location of the property where the project would take place, the affected water body, and any water body to which it is a tributary;
- project description, including:
  - estimated dates of project initiation and completion;
  - estimated project cost;
  - number of stream encroachments;
  - methods of construction;
  - types of equipment that will be used;
  - anticipated impacts on wetland and/or riparian vegetation, and on fish and wildlife resources; and
  - pre- and post-project site conditions.

The application package also must include:

- a map that shows the location of the proposed project, with distances from the nearest city or town, known landmarks, access roads, and other information that identifies the location of the project site;
- construction plans for the proposed project;
- any completed CEQA documents;
- copies and descriptions of any local, State, or federal permits, agreements, or other authorizations that apply to the project.

## **WHAT IS THE FEE?**

Generally, DFG charges an application fee of \$154 to all applicants except commercial gravel and timber harvest operations. DFG may charge an additional processing fee based on the cost to complete the part of the project or activity for which a Lake or Streambed Alteration Agreement is needed. The additional fee is \$618.75 (for a total of \$772.75) if the cost is between \$25,000 and \$500,000, and \$1,236.50 (for a total of \$1,390.50) if the cost exceeds \$500,000; no additional fee is necessary if the cost is less than \$25,000. DFG may charge a higher fee for projects that are unusually extensive, protracted, or both.

If a CEQA document has not been completed by another agency and DFG determines that the project is not exempt from CEQA, applicants must submit a deposit of \$750, typically at

a later date, to cover DFG's initial CEQA review costs; the applicant will be responsible for paying any additional CEQA-related costs.

## **WHAT DOES THE APPLICATION AND EVALUATION PROCESS ENTAIL?**

An applicant for a Lake or Streambed Alteration Agreement may consult with the appropriate DFG office before submitting an official notification to determine whether DFG must be formally notified about the proposed project. This prior consultation allows the applicant to learn about and address DFG's concerns about impacts the proposed project may have on fish or wildlife resources; it may also encourage an applicant to modify the project to avoid or lessen these potential impacts. Prior consultation with DFG is not a substitute for notification. The areas encompassed by each DFG region are shown in [Figure 17](#).

The steps in the notification and permitting process are as follows:

1. The applicant submits an application package to DFG. Submission of the application package generally is required if a project will take place in or in the vicinity of a river, stream, or lake or its tributaries. These include rivers or streams that flow periodically or permanently through a bed or channel with banks that support fish or other aquatic life and watercourses with a surface or subsurface flow that support or have supported riparian vegetation.
2. DFG evaluates the applicant's formal notification information to determine whether a Lake or Streambed Alteration Agreement is required for the proposed project. The applicant may not begin the project until after DFG finds that the notification is complete and, if appropriate, issues a Lake or Streambed Alteration Agreement.
3. If DFG determines that the proposed project could result in substantial adverse effects on an existing fish or wildlife resource, it informs the applicant that a Lake or Streambed Alteration Agreement is required. DFG will propose measures necessary to protect the affected fish or wildlife through a draft streambed alteration agreement; the applicant must inform DFG in writing of whether it accepts these proposals.
4. If the applicant does not accept DFG's proposed agreement, the applicant may request a meeting with DFG to develop proposals acceptable to both parties. If DFG and the applicant cannot agree on such proposals, the applicant may request that an arbitration panel be established to resolve any disagreements.

DFG may not sign the agreement until the project as described in the draft agreement is reviewed in accordance with CEQA, unless it is otherwise exempt from CEQA review. CEQA review and the timelines under CEQA begin when DFG receives the signed draft Lake or Streambed Alteration Agreement.

## DOES THIS PROCESS TRIGGER THE NEED FOR COMPLIANCE WITH OTHER REGULATIONS?

DFG must review all notifications of lake or streambed alteration in accordance with CEQA. If a CEQA document that another agency completed for the project included DFG as a responsible agency during review, DFG typically will use that document to fulfill its obligation under the lake and streambed alteration program. If a CEQA document has not been completed by another agency and DFG determines that the project is not exempt from CEQA, CEQA compliance will need to be completed with DFG as the lead agency.

If [Section 404](#) and [Section 401](#) compliance is necessary, DFG typically will request that it be completed before the project proponent applies for a Lake or Streambed Alteration Agreement. If appropriate mitigation has already been developed through the Section 404, NEPA, and CEQA processes, DFG may not require additional mitigation as part of the Lake or Streambed Alteration Agreement.

## WHAT ARE THE OPPORTUNITIES FOR FACILITATING COMPLIANCE WITH THIS PROCESS?

The following are recommended steps to simplify and streamline the Lake or Streambed Alteration Agreement process for CALFED actions.

- **Avoid and minimize impacts on rivers, streams, or lakes.** To the extent possible, CALFED actions should be designed to avoid activities within the annual high-water mark of a wash or the bed, channel, or bank of any river, stream, or lake. Early consultation between the applicant and the [U.S. Army Corps of Engineers \(USACE\)](#), DFG, and the [U.S. Fish and Wildlife Service](#) allows the parties to more easily identify sensitive resources. The applicant may then develop project alternatives that avoid or minimize impacts on these resources.
- **Obtain local, federal, or other State permits or authorizations that are required for the proposed project before contacting DFG.** DFG recommends that project applicants obtain any other required local, State, and federal permits and authorizations before contacting DFG about a Lake or Streambed Alteration Agreement. Applicants should contact city and county planning departments to determine whether any local permits are required for the proposed project; they should also consult with other State agencies and with federal agencies that may have permitting authority over the project to determine whether any other permits or authorizations are required.
- **Plan mitigation requirements through another agency's CEQA document and through Section 404 compliance.** DFG's Lake or Streambed Alteration Agreement process typically begins after other environmental reviews have commenced. These include USACE's environmental review of the proposed project under Section 404 of the Clean Water Act and another State or local agency's review under CEQA (which would include consultation with DFG as a responsible and trustee agency) when the proposed project requires discretionary permits or authorizations from that agency. Effects of the proposed project on rivers, streams, or lakes should be addressed by

mitigation included in these other processes before the project proponent applies for a Lake or Streambed Alteration Agreement from DFG. The DFG permitting process can be expedited if the applicant has prepared an adequate mitigation plan.

- **Consult early and develop a preapplication draft Lake or Streambed Alteration Agreement with DFG.** The applicant may simplify CEQA review and expedite the issuance of a final agreement by developing a draft Lake or Streambed Alteration Agreement in close consultation with DFG before submitting an application package. Controversial issues may be resolved before the permitting process officially begins.



**Go to Next Regulation**